

***A REGULAR MEETING OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS
WAS HELD MARCH 17, 2003 AT 1:00 P.M. IN WARRENTON, VIRGINIA***

P R E S E N T Mr. Harry Atherton, Chairman; Mr. Joe Winkelmann, Vice Chairman; Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Larry L. Weeks; Mr. G. Robert Lee, County Administrator; Mr. Paul S. McCulla, County Attorney

A B S E N T None

AGENDA REVIEW

The Board of Supervisors reviewed the agenda.

DEPARTMENT OF ECONOMIC DEVELOPMENT 2003 ANNUAL REPORT

Talmage Reeves, Director of the Department of Economic Development, presented to the Board the annual report of activities for the past year and described future short-term and long-term goals, and ongoing special projects for the department.

AGRICULTURE DEVELOPMENT OFFICE BALANCED SCORE CARD AND CY 2003 PROJECT PRIORITY LIST

Peter Mitchell, Director of the Agriculture Development Office, reviewed with the Board 2002 achievements and 2003 goals and priorities for the department.

EMERY & GARRETT GROUNDWATER, INC., GROUNDWATER RESOURCES BRIEFING

James Emery presented a briefing to the Board describing the process of groundwater resource geophysical surveying techniques, and the results of studies and research done by his firm in Fauquier County, compared to other jurisdictions. Mr. Emery discussed criteria necessary for the most favorable groundwater resource development and encouraged the Board to consider adopting a Wellhead Protection Ordinance to protect existing groundwater resources from future contamination.

REVIEW FISCAL YEAR 2004 BUDGET

A work session was held with members of the Board of Supervisors and the Budget Director to revise proposed revenue and expenditure line items for the proposed FY 2004 budget.

The meeting was reconvened in Regular Session at 6:30 p.m. at Lord Fairfax Community College.

ADOPTION OF THE AGENDA

Mr. Winkelmann moved to adopt the Agenda, with the following changes. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Harry Atherton; Mr. Joe Winkelmann; Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Larry L. Weeks</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

- Remove regular agenda item #3, A Resolution to Award Contracts for Improvements to the Warren Green Building and for the Lower Level of the County Office Building at Hospital Hill, and add to consent agenda as item “f”.
- Remove regular agenda item #6, Consider Preliminary Subdivision Application #PP03-C-09, The Hills at Old Auburn, and add to consent agenda as item “g”.
- At the request of the applicant, remove public hearing agenda item #5, Special Exception #SE02-L-27, D.C. Diamond Corporation, owner/applicant, to be rescheduled.

CITIZENS TIME

- James McCully, Scott District, asked the Board to defer action on a Resolution Authorizing the Assistant County Administrator to Execute All Documents Relating to the Leasing of Hangars and Tie-Down Spaces at the Warrenton-Fauquier Airport and Approving the Form of the Revised Hangar Lease and Tie-Down Agreements.
- Colin Cantrell, Scott District, encouraged the Board to advise citizens of the intent behind changes made to local laws, policies, and procedures.
- John Cantrell asked the Board to deliberate carefully before agreeing to a proposed amendment to Section 15-300 of the Fauquier County Zoning Ordinance with respect to the definition of agriculture.

PROCLAMATIONS AND RECOGNITIONS

- Ms. McCamy presented A Proclamation to Recognize the Month of March 2003 as Mediation Month in Fauquier County to Lawrie Parker, Executive Director of Piedmont Dispute Resolution Center.
- Mr. Graham presented A Proclamation to Recognize April 13-19, 2003 as National Public Safety Telecommunicator's Week in Fauquier County to Colonel Warren Jenkins of the Fauquier County Sheriff's Office.

CONSENT AGENDA

Mr. Winkelmann moved to adopt the following consent agenda items. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

*Ayes: Mr. Harry Atherton; Mr. Joe Winkelmann; Mr. Raymond Graham;
Ms. Sharon McCamy; Mr. Larry L. Weeks*

Nays: None

Absent During Vote: None

Abstention: None

Approval of the Minutes for the February 24, 2003 Regular Meeting, and the March 3, 2003 Work Session of the Fauquier County Board of Supervisors

A Resolution Authorizing the Revision of Selected Human Resources Policies

RESOLUTION

A RESOLUTION AUTHORIZING THE REVISION OF SELECTED HUMAN RESOURCES POLICIES

WHEREAS, the Fauquier County Board of Supervisors recognizes the need and the importance of maintaining up-to-date human resources policies; and

WHEREAS, the Fauquier County Government Human Resources Policy Manual is being reviewed for necessary additions, revisions and deletions; and

WHEREAS, a review has been conducted with respect to selected policies; and

WHEREAS, recommended changes are contained in the following policies dated March 17, 2003:

Policy 2B – Annual Leave
Policy 2H – Holidays

Policy 16A – Tuition Reimbursement/Education Assistance; and

WHEREAS, Policy 19, Executive Safety Committee, is recommended for abolishment; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 17th day of March 2003, That the revisions made to Human Resources Policy Manual be, and are hereby, approved effective March 17, 2003.

A Resolution Authorizing the Reclassification of a Vacant Office Associate II Position to Fire and Rescue Support Specialist and Addition of the New Title to the Fauquier County Government Position Classification and Compensation Plan

RESOLUTION

A RESOLUTION AUTHORIZING THE RECLASSIFICATION OF A VACANT OFFICE ASSOCIATE II POSITION TO FIRE AND RESCUE SUPPORT SPECIALIST AND ADDITION OF THE NEW TITLE TO THE FAUQUIER COUNTY GOVERNMENT POSITION CLASSIFICATION AND COMPENSATION PLAN

WHEREAS, as a part of the recent reorganization within the Office of Emergency Services, a review of the current Office Associate II position was requested; and

WHEREAS, this request was forwarded to MAXIMUS which analyzed and evaluated the position; and

WHEREAS, MAXIMUS recommended a title change and grade increase from Office Associate II, grade 20, to Fire and Rescue Support Specialist, grade 24; and

WHEREAS, the title of Fire and Rescue Support Specialist does not currently exist within the Fauquier County Position Classification and Compensation Plan; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 17th day of March 2003, That the position of Office Associate II, grade 20, be reclassified to Fire and Rescue Support Specialist, grade 24, and that the new title be added to the Fauquier County Government Position Classification and Compensation Plan.

Consideration of Preliminary Subdivision Application #PP03-M-15, Enon School Estates, Lot 4, DTM.LLC, applicant

No action was necessary.

A Resolution Confirming the Declaration of Local Emergency Made February 16, 2003

RESOLUTION

A RESOLUTION CONFIRMING THE DECLARATION OF
LOCAL EMERGENCY MADE FEBRUARY 16, 2003

WHEREAS, on February 16, 2003, a significant winter storm disrupted public services to all Fauquier County citizens; and

WHEREAS, the disruptions in transportation services threatened the delivery of public safety services to all of Fauquier County citizens for three days and nights requiring additional personnel, equipment and sheltering personnel to be on standby; and

WHEREAS, on February 16, 2003, the Director of Emergency Services for Fauquier County, on the recommendation of the Fauquier County Chief of the Department of Fire and Emergency Services, issued a Declaration of Local Emergency; and

WHEREAS, Section 44-146.21 of the Code of Virginia (1950), as amended, requires the Board of Supervisors to confirm the Declaration of Local Emergency by the Director of Emergency Services; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 17th day of March 2003, That the Declaration of Local Emergency made on February 16, 2003, by the Director of Emergency Services, as a result of winter storm conditions which disrupted public services in Fauquier County, Virginia, be, and is hereby, confirmed.

A Resolution to Award Contracts for Improvements to the Warren Green Building and for the Lower Level of the County Office Building at Hospital Hill

RESOLUTION

A RESOLUTION TO AWARD CONTRACTS FOR IMPROVEMENTS TO THE WARREN
GREEN BUILDING AND FOR THE LOWER LEVEL OF THE COUNTY OFFICE
BUILDING AT HOSPITAL HILL

WHEREAS, plans have been prepared to restore the Warren Green Building for County office space; and

WHEREAS, plans have been prepared for renovations to the ground floor of the County Office Complex at Hospital Hill; and

WHEREAS, the project architect has recommended award of the bid for these improvements to Tren Construction in the amount of \$ 1,507,000 for the Warren Green Building; and

WHEREAS, the project architect has recommended award of the bid for these improvements to Tren Construction in the amount of \$170,799 for the lower level of the Hospital Hill Office Complex; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 17th day of March 2003, That the County Administrator be, and is hereby, authorized to execute contracts for renovations to the Warren Green Building and the lower level of the County Office Complex at 320 Hospital Hill.

Preliminary Subdivision Application #PP03-C-09, The Hills at Old Auburn

RESOLUTION

A RESOLUTION TO APPROVE PRELIMINARY PLAT #PP03-C-09
AUBURN HILLS, LLC, OWNER/APPLICANT
PARCEL I.D. #6993-35-8981-000

WHEREAS, Auburn Hills, LLC, owner/applicant, has filed an application seeking Preliminary Plat approval; and

WHEREAS, the applicants propose to create three new lots ranging in size from approximately 2.0 to 3.5 acres, plus a residue parcel of \pm 142.10 acres from a 151.57 acre parcel; and

WHEREAS, on February 18, 2003, the Planning Commission approved the Preliminary Plat application for the creation of five new lots ranging in size from 2.0 to 4.26 acres, plus a residue parcel of \pm 136.5 acres; and

WHEREAS, the Board of Supervisors has considered the revised application presented by the applicant; and

WHEREAS, the Board of Supervisors has determined that the application satisfied the general standards of the Zoning Ordinance and that the application is in substantial conformance with the Comprehensive Plan; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 17th day of March 2003, That the application by Auburn Hills, LLC, for Preliminary Plat approval on Parcel Identification Number 6993-35-8981-000 be, and is hereby, approved, subject to the following conditions:

1. The final plat shall be in general conformance with the preliminary subdivision plat entitled "The Hills at Old Auburn" dated February 24, 2003, and received in the Planning Office on March 13, 2003 for a maximum of three new lots and a residue lot.

2. Prior to final plat and construction plan approval, the applicant shall submit a detailed landscape plan as required pursuant to Section 7-600 of the Zoning Ordinance.
3. A Virginia Certified Professional Soil Scientist (CPSS) shall adjust the Type I Soil Map soil lines onto the final working plat. This shall be done in the field and checked for any additional soil information to be added to the final scale plat map.
4. A signature block shall be placed on the Final Soil Map sheet for the CPSS to sign which states:

Preliminary Soils Information Provided by the Fauquier County Soil Scientist Office via a Type I Soil Map (1"=400') Dated_____.

This Virginia Certified Professional Soil Scientist has field reviewed and adjusted the preliminary soil information onto the final plat (1"=???) and certifies that this is the Best Available Soils Information to Date for Lots 1-??.

Va. Certified Professional Soil Scientist
CPSS #3401-_____

DATE

5. Interpretive information from the Type I Soil Map for each mapping unit shown on the above plat shall be placed on the same soil map. Also, a Spot Symbols Legend shall be placed on the plat map to identify spot symbols.
6. The following statements shall be placed on the final plat:

"The County recommends that no below grade basements be constructed on soil mapping unit 413C, 415B, and 416B due to wetness unless the foundation drainage system of the structure is designed by a Virginia Licensed Professional Engineer."

"Foundations placed in Soil Mapping Units that show a moderate, high, or very high shrink-swell potential in the most recent Interpretive Guide to the Soils of Fauquier County, Virginia will require geotechnical evaluation in order to determine proper design."

"Before a home is started the builder shall mark the drainfield area and not disturb it during construction."
7. All drainfield sites shall be approved by the Health Department prior to final construction plan approval.
8. All entrances shall be sited and constructed in accordance with VDOT regulations and design standards.

9. The SWM/BMP emergency spillway shall not be discharged into an area that does not have an existing stream or defined swale with adequate channel.
10. Adequate channel calculations shall be provided to address SWM for lot 1.
11. The toe of slope on the embankment or associated disturbed area of the SWM/BMP shall be at least twenty-five (25) feet from the property line.

AN ORDINANCE TO AMEND SECTION 15-300 OF THE FAUQUIER COUNTY ZONING ORDINANCE WITH RESPECT TO THE DEFINITION OF AGRICULTURE

On February 24, 2003, the Board of Supervisors held a public hearing regarding the proposed text amendment on the definition of agriculture pertaining to forestry products. Action was postponed due to concerns raised regarding the proposed language, and impacts upon property owners, specifically with regard to mulching and logging operations. Mr. Winkelmann moved to adopt the following Ordinance. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Harry Atherton; Mr. Joe Winkelmann; Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Larry L. Weeks</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

ORDINANCE

AN ORDINANCE TO AMEND SECTION 15-300 OF THE FAUQUIER COUNTY ZONING ORDINANCE WITH RESPECT TO THE DEFINITION OF AGRICULTURE

WHEREAS, Section 15-300 of the Fauquier County Zoning Ordinance contains a definition of agriculture; and

WHEREAS, text amendments have been proposed to that definition to prevent the inclusion of activities more suited to Commercial and Industrial Zoning Districts; and

WHEREAS, these amendments to the definition of agriculture still would permit property owners to produce and store mulch for private use and to utilize property for the sorting and grading of logs if they are cut on site or on adjoining properties; and

WHEREAS, other manufacturing, processing and storage of mulch or the grading and sorting of logs would need to be located within a Commercial or Industrial Zoning District following proper approvals; and

WHEREAS, the Board of Supervisors believes this text amendment would be in the best interest of the citizens of Fauquier County; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 17th day of March 2003, That the definition of agriculture, as found in Section 15-300 (Definitions) of the Fauquier County Zoning Ordinance, be amended to read as follows:

AGRICULTURE: The use of a tract of land not less than five (5) acres for (a) the tilling of the soil, (b) the growing of crops or plant growth of any kind in the open, including forestry, (c) pasturage, (d) horticulture, (e) dairying, (f) floriculture or (g) raising of poultry and/or livestock.

The term agriculture shall not include the following uses: (a) the maintenance and operation of commercial greenhouses and hydroponic farms, (b) the operation or maintenance of a commercial stockyard or feed yard, (c) the manufacture, processing or storage of mulch made from off-site material or for commercial purposes, (d) the sorting and grading of logs and trees except where the logs and trees are from on-site or from adjoining properties. Furthermore, the definition of agriculture shall not be deemed to preclude (a) the keeping of livestock on parcels of two (2) acres in size as permitted by Section 2-512, or (b) gardening as permitted as an accessory use in Section 6-102. Provided, however, subsection (c) of this above provision shall not apply to applications received by the Department of Community Development on or before March 17, 2003.

A RESOLUTION AUTHORIZING THE ASSISTANT COUNTY ADMINISTRATOR TO EXECUTE ALL DOCUMENTS RELATING TO THE LEASING OF T-HANGARS AND TIE-DOWN SPACES AT THE WARRENTON-FAUQUIER AIRPORT AND APPROVING THE FORM OF THE REVISED T-HANGAR LEASE AND TIE-DOWN AGREEMENTS

The Warrenton-Fauquier Airport Committee recommended to the Board of Supervisors the amendment of the T-hangar and Tie-down lease agreements, and requested that the Board of Supervisors designate the Assistant County Administrator as the appropriate person to execute all documents related to the leasing of T-hangars and Tie-downs at the Airport. Mr. Winkelmann moved to adopt the following resolution. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Harry Atherton; Mr. Joe Winkelmann; Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Larry L. Weeks</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

RESOLUTION

A RESOLUTION AUTHORIZING THE ASSISTANT COUNTY ADMINISTRATOR TO EXECUTE ALL DOCUMENTS RELATING TO THE LEASING OF T-HANGARS AND TIE-DOWN SPACES AT THE WARRENTON-FAUQUIER AIRPORT AND APPROVING THE FORM OF THE REVISED T-HANGAR LEASE AND TIE-DOWN AGREEMENTS

WHEREAS, Fauquier County owns the Warrenton-Fauquier Airport; and

WHEREAS, as part of its re-negotiated operation and management agreement with Tracey Corporation, the County has accepted responsibility for all T-hangar and Tie-down leases at the Airport; and

WHEREAS, the Warrenton-Fauquier Airport Committee has unanimously recommended to the Board of Supervisors changes to the form of the T-hangar and Tie-down leases at the Airport; and

WHEREAS, the Board of Supervisors wishes to delegate authority to the Assistant County Administrator to execute all documents related to the lease of T-hangars and Tie-down spaces at the Airport; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 17th day of March 2003, That the Board of Supervisors does hereby approve the revised T-hangar lease and Tie-down agreements; and, be it

RESOLVED FURTHER, That the Assistant County Administrator be, and is hereby, authorized to execute all documents related to the leasing of T-hangar and Tie-down spaces at the Warrenton-Fauquier Airport.

CONSIDERATION OF REZONING REQUEST #RZ02-L-08, HELEN F. HELM PROPERTY, ELLERSLIE FARM

On February 24, 2003, the Board of Supervisors continued the public hearing opened on January 21, 2003 to consider a rezoning request of approximately 139.4 acres (portions of PINs 6888-13-8870-000 and 6888-15-4359-000) from Residential (R-1) and Commercial-Highway (C-2) to Residential-2 (R-2) for a cluster development. Ms. McCamy moved to adopt the following Ordinance. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Harry Atherton; Mr. Joe Winkelmann; Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Larry L. Weeks</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

ORDINANCE

AN ORDINANCE TO APPROVE REZONING REQUEST #RZ02-L-08 HELEN F. HELM PROPERTY – ELLERSLIE FARM

WHEREAS, Helen F. Helm, owner, and Richard M. Barb, LLC, applicant, have initiated a request to rezone approximately 139.4 acres (portions of PINs 6888-13-8870-000 and 6888-15-4359-000) from Residential (R-1) and Commercial-Highway (C-2) to Residential-2 (R-2) for a cluster development; and

WHEREAS, the applicant has filed an application to amend the Fauquier County Zoning Map, in accordance with the provisions of Article 13-202 of the Fauquier County Zoning Ordinance; and

WHEREAS, the proposed rezoning is in conformance with the Fauquier County Comprehensive Plan; and

WHEREAS, on October 24, 2002, the Fauquier County Planning Commission held a public hearing on the rezoning request of Helen F. Helm and Richard M. Barb, LLC; and

WHEREAS, on December 19, 2002, the Fauquier County Planning Commission approved a motion recommending approval of the rezoning requested; and

WHEREAS, on January 21, 2003 and February 24, 2003, the Board of Supervisors held public hearings on this rezoning request; and

WHEREAS, by adoption of this Ordinance, the Board of Supervisors has determined that the public necessity, convenience, general welfare, or good zoning practice is satisfied by this amendment to the Fauquier County Zoning Map; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 17th day of March 2003, That Rezoning Request #RZ02-L-08, to change the zoning designation of 139.4 acres on the east side of Route 15/29 and on the west side of Business Route 15/29, identified as portions of PINs 6888-13-8870-000 and 6888-15-4359-000, from Residential (R-1) and Commercial-Highway (C-2) to Residential-2 (R-2) for a Cluster development be, and is hereby, approved subject to the Concept Development Plan prepared by Bowman Consulting Group, dated December 3, 2002, the Proffer Statement dated June 18, 2002, and revised through February 4, 2003, and the boundary survey plats prepared by Benchmark Surveying and Land Planning, Culpeper, Virginia, dated December 13, 2001, containing 130.3206 acres, and April 10, 2002, containing 9.1622 acres.

APPOINTMENTS

By unanimous consent, the following appointment was approved:

- Local Workforce Investment Board, Rosanne T. Gorkowski, reappointed with a term to expire June 30, 2006.
- Architectural Review Board, Center District Representative, Ed Tolson, with a term to expire July 16, 2005.
- Agricultural Advisory Committee, Lee District Representative, Sharon Grove McCamy, with a term to expire December 31, 2003.

SUPERVISORS TIME

- Mr. Winkelmann informed the Board that the long awaited history, originally commissioned by former Supervisor Jim Green, had been completed and would be published before the winter holidays.
- Mr. Graham announced the County had received a donation of POW/MIA flags that will be flown at the County buildings. Mr. Graham also praised the community for its fundraising efforts on behalf of the Patterson family, whose home had been destroyed by fire in 2002.
- Ms. McCamy expressed her appreciation for the fundraising efforts on behalf of the Patterson family. Ms. McCamy also spoke of a change in the State legislation relating to guns in parks, and she directed the County Attorney to review and prepare a proposed update to the County Ordinance for Board review at the next regular meeting.

ANNOUNCEMENTS

There were no announcements.

PUBLIC HEARING FOR CITIZENS COMMENTS ON THE FY 2004 PROPOSED BUDGET AND TAX RATES

A public hearing was held to receive citizen comments on the Fiscal Year 2004 proposed budget and tax rates. Bob Lee, County Administrator, presented an overview of the proposed budget, highlighting the recommended revenue sharing methodology between the School Division and County Government. Mr. Lee stated that there would be no change in existing tax rates, or in staffing levels within County Government. Bryan Tippie, Budget Director, discussed line item changes made by the Board during its March 17, 2003, work session deliberations and made available copies of those changes for the citizen review and comment. Cheryl Wolfe of Lee District, Anita Price, and Claire Peyton of Marshall District, spoke in support of the proposed budget for the School Division. Chuck Schonder, a teacher at Marshall Middle School, expressed that the current revenue sharing ratio of 60/40 was inadequate for the School Division. Martha Tuomy of Marshall District, Executive Director for Mary's Family, a respite program for families of children with special needs, expressed her gratitude to the Board for its support of the program. There were no other speakers. The public hearing was closed. Mr. Atherton moved to cancel the March 19, 2003 Fiscal Year 2004 Budget Work Session, and to table a decision on the FY 2004 Budget and CIP until March 25, 2003. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

*Ayes: Mr. Harry Atherton; Mr. Joe Winkelmann; Mr. Raymond Graham;
Ms. Sharon McCamy; Mr. Larry L. Weeks*
Nays: None
Absent During Vote: None
Abstention: None

**TRANSFER OF A SANITARY SEWER EASEMENT FROM THE COUNTY OF
FAUQUIER TO THE FAUQUIER COUNTY WATER AND SANITATION
AUTHORITY – LEES GLEN SUBDIVISION**

A public hearing was held to consider transferring title to sanitary sewer easement for the Lees Glen Subdivision to the Water and Sanitation Authority. Paul McCulla, County Attorney, gave a summary of the application. There were no speakers. The public hearing was closed. Mr. Winkelmann moved to approve the following resolution. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

*Ayes: Mr. Harry Atherton; Mr. Joe Winkelmann; Mr. Raymond Graham;
Ms. Sharon McCamy; Mr. Larry L. Weeks*
Nays: None
Absent During Vote: None
Abstention: None

RESOLUTION

**A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO
EXECUTE A DEED ASSIGNING A 20' SANITARY SEWER EASEMENT LOCATED
WITHIN THE LEES GLEN SUBDIVISION TO THE FAUQUIER COUNTY WATER
AND SANITATION AUTHORITY**

WHEREAS, upon recordation of the plat of subdivision for Lees Glen, a 20' sanitary sewer easement was dedicated to the County of Fauquier; and

WHEREAS, the Fauquier County Water and Sanitation Authority provides sanitary sewer to the Lees Glen Subdivision; and

WHEREAS, Fauquier County does not provide sanitary sewer; now, therefore, be it

RESOLVED by the Board of Supervisors of Fauquier County this 17th day of March 2003, That the County Administrator be, and is hereby, directed to execute a deed assigning a 20' sanitary sewer easement located within the Lees Glen Subdivision to the Fauquier County Water and Sanitation Authority.

CONSIDER GRANTING A SANITARY SEWER EASEMENT FROM THE COUNTY OF FAUQUIER TO THE FAUQUIER COUNTY WATER AND SANITATION AUTHORITY – ROUTE 793 ADJACENT TO VINT HILL

A public hearing was held to consider granting a sanitary sewer easement to the Water and Sanitation Authority across County-owned property near Vint Hill and Route 793. Paul McCulla, County Attorney, gave a summary of the application. There were no speakers. The public hearing was closed. Mr. Winkelmann moved to approve the following resolution. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Harry Atherton; Mr. Joe Winkelmann; Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Larry L. Weeks
Nays: None
Absent During Vote: None
Abstention: None

RESOLUTION

A RESOLUTION TO AUTHORIZE THE CONVEYANCE OF AN EASEMENT FOR PUBLIC SEWER SERVICE TO FAUQUIER COUNTY WATER AND SANITATION AUTHORITY (WSA) (VA ROUTE 793 ADJACENT TO VINT HILL)

WHEREAS, the County of Fauquier owns a 3.1628 acre tract located on Virginia Route 793 in Scott Magisterial District, more particularly described as PIN 7915-46-7628-000; and

WHEREAS, the Fauquier County Water and Sanitation Authority (WSA) has requested certain temporary and permanent utility easements across the aforesaid property; said easements being more particularly shown on that certain plat of survey by David R. Hall, dated November 29, 2002, entitled "Plat Conveying Utility Easement Across the Property of Fauquier County, Virginia, situated in Scott District, Fauquier County, Virginia;" and

WHEREAS, the Board of Supervisors, after due notice and public hearing, has determined that it is in the best interest of the citizens of Fauquier County to convey the aforesaid easements to the Fauquier County Water and Sanitation Authority; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 17th day of March 2003, That the County Administrator be, and is hereby, authorized to execute all documents necessary to convey an easement for public sewer service to the Fauquier County Water and Sanitation Authority (Virginia Route 793 adjacent to Vint Hill).

ORDINANCE AMENDING SECTION 8-38 OF THE CODE OF FAUQUIER COUNTY TO PERMIT THE TREASURER TO WAIVE ADMINISTRATIVE FEES WHERE THE FAILURE TO PAY REAL OR PERSONAL PROPERTY TAXES WAS NOT THE FAULT OF THE TAXPAYER

A public hearing was held to consider an Ordinance amending Section 8-38 of the Code of Fauquier County to permit the Treasurer to waive administrative fees where the failure to pay

real or personal property taxes was not the fault of the taxpayer. There were no speakers. Mr. Winkelmann moved to adopt the following Ordinance. Mr. Weeks seconded, and the vote for the motion was unanimous as follows:

Ayes: **Mr. Harry Atherton; Mr. Joe Winkelmann; Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Larry L. Weeks**
Nays: **None**
Absent During Vote: **None**
Abstention: **None**

ORDINANCE

AN ORDINANCE AMENDING SECTION 8-38 OF THE CODE OF FAUQUIER COUNTY TO PERMIT THE TREASURER TO WAIVE ADMINISTRATIVE FEES WHERE THE FAILURE TO PAY THE REAL OR PERSONAL PROPERTY TAXES WAS NOT THE FAULT OF THE TAXPAYER

WHEREAS, the Code of Virginia permits the Treasurer to waive penalty and interest on delinquent real or personal property taxes where the Treasurer determines that the failure to pay the tax was not the fault of the taxpayer; and

WHEREAS, pursuant to authority granted to it by the Code of Virginia, the Board of Supervisors has, under Section 8-38 of the Code of Fauquier County, imposed certain administrative fees on delinquent taxpayers; and

WHEREAS, the Treasurer wishes the authority to waive the aforesaid administrative fees when it's determined that the failure to pay the delinquent tax was not the fault of the taxpayer; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 17th day of March 2003, That Section 8-38 of the Code of Fauquier County be, and is hereby, amended to read as follows:

Sec. 8-38. Administrative fee imposed upon certain delinquent taxpayers.

Any person liable for any taxes imposed by this chapter who fails to pay or remit the taxes required under this chapter on or before the due date shall, in addition to all penalties and interest, pay a fee to cover the administrative costs associated with the collection of taxes. A fee of twenty dollars (\$20.00) shall be imposed upon all taxpayers from whom taxes are collected subsequent to the filing of a warrant or other appropriate legal document but prior to judgment. A fee of twenty-five dollars (\$25.00) shall be imposed upon all taxpayers from whom taxes are collected subsequent to judgment. The Treasurer may waive any administrative fees imposed by this section when it is determined that the failure to pay a tax imposed under this chapter was not the fault of the taxpayer.

**SPECIAL EXCEPTION #SE03-C-11, GEORGE C. & HELEN F. ELMORE, OWNER,
AND BECHTEL TELECOMMUNICATIONS – A T & T WIRELESS SERVICE, INC.,
APPLICANT**

A public hearing was held to consider an application to obtain special exception approval under Category 20, which would allow for the construction of a 110-foot monopole, antennas, and related equipment. The property contains 55.5 acres and is located at the end of Elmore's Lane, south of Dumfries Road (Route 605), further identified as PIN #7904-15-6717-000, in Center Magisterial District. Rick Carr, Director of Community Development, gave a summary of the application. Terry Cook, representing the applicant, requested favorable consideration of the application by the Board. No one else spoke. Mr. Atherton moved to continue the public hearing until the next regular meeting on April 21, 2003. Mr. Weeks seconded, and the vote for the motion was unanimous as follows:

*Ayes: Mr. Harry Atherton; Mr. Joe Winkelmann; Mr. Raymond Graham;
Ms. Sharon McCamy; Mr. Larry L. Weeks*
Nays: None
Absent During Vote: None
Abstention: None

FISCAL YEAR 2003 BUDGET AMENDMENTS

A public hearing was held to consider an amendment to the FY 2003 adopted budget in the amount of \$889,780 for various budget related issues including, but not limited to, FY 2002 Fund Balance for Fire and Rescue Capital Reserve; Parks & Recreation Virginia Outdoors/Land and Water Conservation Grant. Mr. Atherton waived the staff report. There were no speakers. The public hearing was closed. Ms. McCamy moved to approve the following resolution. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

*Ayes: Mr. Harry Atherton; Mr. Joe Winkelmann; Mr. Raymond Graham;
Ms. Sharon McCamy; Mr. Larry L. Weeks*
Nays: None
Absent During Vote: None
Abstention: None

RESOLUTION

**A RESOLUTION TO AMEND THE
FY 2003 ADOPTED BUDGET IN THE AMOUNT OF \$889,780**

WHEREAS, the Board of Supervisors is charged by the Code of Virginia with the preparation of an annual budget for Fauquier County; and

WHEREAS, on March 25, 2002, the Fauquier County Board of Supervisors adopted the Fauquier County FY 2003 Budget; and

WHEREAS, during the course of the fiscal year certain events occur which necessitate changing the budget plan by increasing or decreasing the total budget; and

WHEREAS, the Finance Committee has recommended FY 2003 appropriation of \$958,430 for the purposes set forth below; and

WHEREAS, on March 17, 2003, a Public Hearing was held; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 17th day of March 2003, That the FY 2003 Budget is hereby amended in the amount of \$869,523 in appropriations and \$20,257 in transfers totaling \$889,780 as follows:

<u>Source</u>	<u>FROM Code</u>	<u>Amount</u>	<u>Department</u>	<u>TO Code</u>	<u>Amount</u>
<u>FY 2003</u>					
Donation	3-302-189903-0001	\$15,000	Library – Bealeton Depot	4-302-94840-8215	\$15,000
Fees	3-100-189900-0062	\$1,290	Northern Sports Field Complex	4-302-94721-1302	\$1,290
Fund Balance	3-270-419000-0010	\$407,783	Fire and Rescue	4-271-32000-9998	\$407,783
State Funds	3-302-244500-0027	\$125,000	Parks & Recreation	TBD	\$125,000
State Funds	3-302-244500-0028	\$320,450	Parks & Recreation	TBD	\$320,450
Transfer	3-271-033013-8221	\$12,201	Fire and Rescue – Lois	4-271-033013-3311	\$12,201
Transfer	3-271-033010-3313	\$8,055	Fire and Rescue – New Baltimore	4-271-033010-3311	\$3,828
				4-271-033010-6033	\$3,195
				4-271-033010-6011	\$1,032
TOTAL		\$889,780			\$889,780

REZONING REQUEST #RZ03-M-09 – ST. LEONARD’S FARM, INC., OWNER / APPLICANT

And

COMPREHENSIVE PLAN AMENDMENT TO THE WARRENTON SERVICE DISTRICT

A public hearing was held to receive citizens’ comments on an application to rezone approximately eighty (80) acres of a 1,038-acre tract from Rural Agriculture (RA) to Residential–1 (R-1). The property is located on Route 211 at the western limits of the Town of

Warrenton, further identified as PIN #6974-62-2223-000 and PIN #6974-45-6306-000, located in Marshall Magisterial District; and to consider a proposed plan amendment affecting a portion of St. Leonard's Farm (+145 acres) north of Route 211. The plan amendment extends the service district boundary to include the referenced property which is planned for a + 65 acre Town Park, while the balance is designated Low Density Residential (1 dwelling unit / acre). Rick Carr, Director of Community Development, gave a summary of the rezoning application and the proposed comprehensive plan amendment. John Foote, representing the applicants, requested the Board give favorable consideration to the applications. Rob Stickland, Ken Thomas, and Mrs. Thomas, of Marshall District, spoke in opposition to the planned rear entrance coming from Lower Waterloo Road to the proposed subdivision. No one else spoke. Mr. Atherton moved to continue the public hearing until the next regular meeting on April 21, 2003. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Harry Atherton; Mr. Joe Winkelmann; Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Larry L. Weeks</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

There being no further business, the meeting was adjourned to reconvene on March 25, 2003.

I hereby certify that this true and exact record of actions taken by the Fauquier County Board of Supervisors on March 17, 2003.

A Copy Teste

*G. Robert Lee
Clerk*